

## **REMARKS/ARGUMENTS**

Claims 1-20 appear in the present application. The claims have been amended to place them in a more proper grammatical form. These amendments are formal in nature and do not, in applicants' view, limit the scope of the invention recited in the subject claims. All of the amendments are completely supported by the application as originally filed and thus there is no issue of new matter. Entry of these claim amendments is, therefore, respectfully solicited.

Additionally, applicants have amended the specification of the application to add a brief description of a proposed new drawing figure 6 (on p. 4 after the description of Figure 5), and to add a citation to the proposed figure in the detailed description of the invention (on p. 5 in the paragraph beginning at line 10). Furthermore, applicants have also made certain formal amendments to the Abstract of the Disclosure in response to certain formal objections raised thereto by the Examiner. All of these amendments are supported by the application as filed and thus they add no new matter to the application. Entry of the indicated amendments to the specification is thus respectfully requested.

### **Allowable Subject Matter**

Applicants appreciate the Examiner's indication on p. 5 of the Office Action that claims 9 and 12 contain allowable subject matter.

### **Claim Objections**

Claims 1-20 are objected to in the Office Action due to several informalities. In response to these objections, the subject claims have, therefore, been amended in a manner calculated to overcome these objections. The Examiner is, therefore, requested to reconsider and withdraw the objections to the claims.

### **Drawing Objection**

The drawings are objected to under 37 C.F.R. 1.83 (a). The Office Action states that the feature(s) of the invention recited in claim 5 must be shown (in a drawing) or the features canceled from the claim(s).

In response to this objection, applicants submit herewith, for the Examiner's approval, a proposed new Figure 6. This new Figure clearly illustrates the features recited in claim 5. The Figure is supported by the disclosure found at p. 5, lines 10-14 of the specification, and in original claim 5 filed with the application. Thus, entry of the proposed new Figure raises no question of new matter and such entry is respectfully solicited.

Furthermore, based on an assumption that the Examiner will agree to the entry of the Figure, applicants have amended the specification on p. 4 in the "Description of the Diagrams" to add a brief description of the subject Figure as well as on p. 5 in the paragraph beginning on line 10, to include a citation to the Figure and to provide number designations for some of the components illustrated thereon. These amendments are supported by the specification as originally filed and thus add no new matter to the application.

The Examiner is, therefore, requested to approve Figure 6 as proposed by applicants and to permit entry of the specification amendments relating thereto.

### **Objections To The Specification**

The Abstract of the Disclosure is objected to by the Examiner because, according to the Office Action, it contains extraneous word(s) such as "invention". The Examiner states that correction is required in accordance with MPEP §608.01(b).

Applicants have, therefore, amended the Abstract as indicated above in order to remove the extraneous word(s) (i.e., "invention") objected to by the Examiner. The Examiner is, therefore, requested to reconsider and withdraw the objections to the specification.

### **Claim Rejection Under 35 U.S.C. §112**

Claim 12 is rejected under 35 U.S.C. §112, second paragraph, for alleged indefiniteness. The Office Action states that claim 12, which recites that, "the pipe has a perimetric lip an in that part of the casing" renders the scope of the claim vague since it is unclear how the perimetric lip relates to the casing. Furthermore, there is no proper antecedent basis for 'the annular protuberance'".

In response to the rejection under §112, second paragraph, applicants have amended claim 12 to correct the typographical error indicated above, and to change, "the annular protuberance" to

“an annular protuberance”. These amendments, which are supported by the application as filed, are believed to overcome the grounds for rejection of claim 12 under §112, second paragraph, and the Examiner is thus requested to reconsider and withdraw the rejection of the subject claim

### **Claim Rejections Under 35 U.S.C. §102**

Claims 1-4, 6, 8, 10, 11 and 13-18 are rejected under 35 U.S.C. §102 (b) as allegedly anticipated by U.S.P. 6,285,830 to Basaganas Millan (hereinafter “Millan”). These rejections are respectfully traversed for the reasons which follow.

Millan is directed to a device for the evaporation of volatile products, as is the present invention, but operates in a manner which is completely different from that of the present invention. The Millan device is operated by a regulation element (6) in its front face, which determines the vertical (i.e, up and down) movement of the pipe (5). It is this axial displacement (i.e., the height) of the device’s cap which controls the degree of evaporation of the volatile product since the height of the cap affects the path of the vapor to the outlet orifice and thus correspondingly affects the chimney effect so produced. The cap is not designed, nor permitted, to rotate, as this is not its intended path of motion.

Moreover, whereas the Millan device is intended to create a “chimney effect”, in operation the wick is always exposed to the heating means to the same extent. That is, it is not possible to vary the exposure of the wick to the heating means.

In contrast, the presently claimed invention utilizes a cylindrical pipe which rotates axially to control the exposure between the wick and the heating element(s), but does not move up or down in a vertical direction. Thus, the exposure of the wick to the heat produced via the heating element(s) is controlled by axial, rather than vertical, movement of the cylindrical pipe (5). Since, as shown above, the present invention operates in an entirely different manner than that described by the device disclosed in the Millan reference, the Examiner is respectfully requested to reconsider and withdraw the rejection based on the subject reference.

Further to the above, claims 15-17 are rejected under 35 U.S.C. §102 (b) as allegedly anticipated by U.S. Patent No. 1,994,932 to Vidal (“Vidal”). Applicants respectfully traverse these rejections.

The Vidal reference discloses a device comprising a tube lacking any apertures in its outer cylindrical surface which is wrapped by wire windings connected to a source of electricity. The passage of electricity through the windings heats up the tube, which heat is then transferred to a wick located within the tube, causing the release of volatile vapors from said wick.

In contrast, as now recited in (amended) claim 15, the device of the present invention utilizes an arrangement wherein the “chamber” surrounding the wick is provided with at least one lateral opening, with heating elements positioned in the casing. The chamber opening(s) may be aligned with the heating elements via axial rotation of the tube which, in a preferred embodiment, forms the chamber. That is, the heat from the element(s) passes through the opening(s) in the chamber so as to impinge on the wick, thereby causing the release of volatile vapors from said wick. In view of these distinctions, the Examiner is respectfully requested to reconsider and withdraw the §102 rejection based on the Vidal reference.

### **Claim Rejections Under 35 U.S.C. §103**

Claims 5, 7, 19 and 20 are rejected under 35 U.S.C. §103 (a) as allegedly unpatentable over the Millan reference taken in view of U.S. Patent No. 6,563,091 to Vieira (“Vieira”) or U.S. Patent No. 4,874,924 to Yamamoto et al. (“Yamamoto”). These rejections are respectfully traversed.

Claims 5, 7, 19 and 20 are dependent claims which depend, directly or indirectly, on independent claim 1 and which thus contain all of the recitations found in that claim. For the reasons given above, claim 1 (and thus claims 5, 7, 19 and 20) are distinguishable over the disclosure of the Millan reference. Furthermore, neither Vieira nor Yamamoto disclose the elements of the invention missing from the Millan reference. Thus, since the primary reference (Millan) is clearly distinguished and since neither of the secondary references combined with the primary teach or suggest applicants’ invention, whether taken alone or in combination with Millan, applicants submit that the cited combination fails to disclose the claimed invention and thus the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 5, 7, 19 and 20 under §103 (a).

## Summary

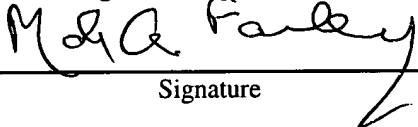
For all of the reasons above, applicants submit that all of the Examiner's objections and rejections are believed to have been overcome and thus the Examiner is respectfully requested to reconsider and withdraw these objections and rejections to permit the application to proceed toward issuance.

If the Examiner believes that an interview would be useful in overcoming any remaining issues, he is respectfully invited to telephone applicants' representative at the number below to arrange for such an interview.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 26, 2005:

Mark A. Farley

Name of applicant, assignee or  
Registered Representative



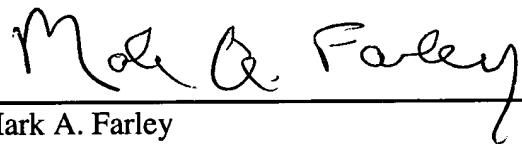
Signature

July 26, 2005

Date of Signature

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Respectfully submitted,



Mark A. Farley  
Registration No.: 33,170  
OSTROLENK, FABER, GERB & SOFFEN, LLP  
1180 Avenue of the Americas  
New York, New York 10036-8403  
Telephone: (212) 382-0700